

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS MEETING**

MINUTES

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on September 10, 2003, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Architects

J. Everette Fauber, III
David L. May, Jr. (arrived at 9:17 a.m.)

Landscape Architects

Vaughn B. Rinner
William H. Spell

Professional Engineers

Richard N. Davenport
Stanley C. Harris
Ronald G. Helton

Interior Designers

Susan S. Orange
Carole R. Renmark

Land Surveyors

Doyle B. Allen
John R. McAden
W. R. Stephenson, Jr.

Board member John S. Clark, Jr., was not present at the meeting.

Staff present for all or part of the meeting were:

Karen W. O'Neal, Deputy Director of Regulatory Programs
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Earlyne Perkins, Legal Assistant
Trisha L. Henshaw, Administrative Assistant

No representative of the Office of the Attorney General was present during the meeting.

Mr. Davenport, Chair, called the meeting to order at 9:15 a.m.

Call to Order

Mr. Davenport introduced the newest members of the Board. They are: Mr. J. Everette "Ebo" Fauber, III, of the Architects Section; Mr. W. R. "Steve" Stephenson, Jr., of the Land Surveyors Section; Ms. Vaughn B. Rinner of the Landscape Architects Section; and Mr. William H. Spell of the Landscape Architects Section.

**Introduction of
New Members**

With Mr. May's arrival at 9:17 a.m., a quorum of the Board was present.

Arrival of Mr.
May

Mr. Helton moved to approve the agenda as amended. Mr. McAden seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

Approval of
Agenda

Mr. Helton moved to approve the minutes from the June 5, 2003, APELSCIDLA Board meeting as amended. Mr. May seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

Approval of
Minutes

Mr. Helton moved to approve the minutes from the August 5, 2003, Professional Engineers Section meeting as written. Mr. Allen seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

Mr. McAden moved to approve the minutes from the August 6, 2003, Land Surveyors Section meeting as written. Mr. Harris seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

Mr. Allen moved to approve the minutes from the June 5, 2003, Informal Fact-Finding Conference as written. Mr. Harris seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

Mr. Allen moved to approve the minutes from the June 18, 2003, Informal Fact-Finding Conference as written. Mr. Helton seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

Public Comment Period – No comments were made to the Board members.

Public Comment
Period

Patrick Dennis Leary was present to discuss **File Number 2003-03115** which pertains to his application for a license as a land surveyor by examination. Mr. Leary stated that he does not disagree with the recommendations of the presiding Board member of the Informal Fact-Finding Conference and the Land Surveyors Section. Further, Mr. Leary

Patrick Dennis
Leary, File
Number 2003-
03115

thanked the Board members for their time in this matter.

In reference to **File Number 2003-03115, Patrick Dennis Leary**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference by the presiding Board member, as well as the presentation by Mr. Leary. Additionally, the Board members were provided with an amended work experience form submitted by Mr. Leary, which corrects the dates on one of the forms. Mr. McAden recused himself from the discussion and vote as Mr. Leary is a former employee of the firm that currently employs Mr. McAden. Mr. Allen moved to accept the Summary of the Informal Fact-Finding Conference and approve Mr. Leary's application for a land surveyor license by examination. Mr. Harris seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, Orange, Renmark, Rinner, Spell, and Stephenson.

**File Number
2003-03115,
Patrick Dennis
Leary**

Patrick Neil Hall was present to discuss **File Number 2003-03112**, which pertains to his application for licensure as a land surveyor by examination. In discussing his experience and the work of his firm, Mr. Hall indicated that his work experience includes aspects of engineering and surveying. However, he believes that he has enough surveying experience to meet the Board's requirements for licensure.

**Patrick Neil
Hall, File
Number 2003-
03112**

In reference to **File Number 2003-03112, Patrick Neil Hall**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference by the presiding Board member, as well as the presentation by Mr. Hall. Mr. Allen moved to accept the Summary of the Informal Fact-Finding Conference and approve Mr. Hall's application for licensure as a land surveyor by examination. Mr. McAden seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

**File Number
2003-03112,
Patrick Neil Hall**

Concerning **File Number 2003-03185, Rauff Halim Mustafa**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Helton moved that the Board accept the facts in the Summary and reject the recommendation of the presiding Board member. Mr. Helton further moved to deny Mr. Mustafa's application by comity due to the lack of documentation of the Philippine examination in the file as well as the lack of an evaluation and comparison of the Philippine examination to the National Council of

**File Number
2003-03185,
Rauff Halim
Mustafa**

Examiners for Engineering and Surveying (NCEES) Fundamentals of Engineering examination. Mr. Helton further moved that Mr. Mustafa be approved for the Fundamentals of Engineering examination. Mr. Allen seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Harris was not present during the discussion or vote.

In reference to **File Number 2003-03155, Christopher John Waters**, the Board members reviewed the record from the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Helton moved that the Board accept the Summary of the presiding Board member and deny Mr. Waters application for a professional engineer license. Mr. Waters has not graduated from a Board approved undergraduate curriculum in order to be considered pursuant to 18 VAC 10-20-210.1 of the Board's 2002 regulations. Mr. Waters has a Bachelors of Science degree in chemistry, which is considered a related science, and a masters of engineering which requires him to meet the experience requirements of 18 VAC 10-20-210.3 of the Board's 2002 regulations. At this time, Mr. Waters has provided documentation of 5 years and 3 months of experience; however, he lacks the additional 9 months of the required 6 years of qualifying engineering experience. Ms. Orange seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Harris was not present during the discussion or vote.

File Number
2003-03155,
Christopher
John Waters

In regards to **File Number 2003-03576, Andrew Mills Martin**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Martin. Mr. Davenport stated that he currently serves on another board with one of the complainants in this matter, William O'Brien; however, Mr. Davenport stated the he believes he can be fair and impartial in this matter. Mr. McAden moved that the Board accept the Consent Order, which cites a violation of 18 VAC 10-20-790 of the Board's 1999 regulations. For this violation, imposition of a monetary penalty of \$250.00 is imposed. Mr. McAden further moved that failure to pay the penalty, the costs, or to comply with all terms of the Order within the specified time period, shall result in the automatic suspension of Mr. Martin's license until such time as there is compliance with all terms of the Order. Mr. Allen seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell,

File Number
2003-03576,
Andrew Mills
Martin

and Stephenson.

The Board members were provided with the most recent draft of the changes to the regulations. This draft includes the recommendations made by the Regulatory Review Committee, as well as changes made by the Sections and staff. After discussion, the Board members agreed by consensus to postpone consideration of adoption of proposed regulations in order to give the members adequate time to review all of the changes. Additionally, Mr. Courtney provided an explanation of the regulatory review process for the benefit of the new members.

**Consider
Adoption of
Proposed
Regulations**

Mr. Allen moved to adopt the following meeting dates for 2004:

**Set 2004
Meeting Dates**

ARCHITECTS

Thursday, January 29, 2004
Thursday, April 29, 2004
Thursday, July 29, 2004
Wednesday, October 27, 2004

PROFESSIONAL ENGINEERS

Tuesday, January 27, 2004
Tuesday, May 4, 2004
Tuesday, July 27, 2004
Tuesday, October 26, 2004

LAND SURVEYORS

Tuesday, February 10, 2004
Tuesday, May 11, 2004
Thursday, August 5, 2004
Tuesday, November 9, 2004

LANDSCAPE ARCHITECTS

Thursday, February 5, 2004
Thursday, May 6, 2004
Tuesday, August 10, 2004
Wednesday, November 10, 2004

INTERIOR DESIGNERS

Thursday, February 12, 2004
Thursday, May 13, 2004
Thursday, August 12, 2004
Thursday, November 4, 2004

APELSCIDLA BOARD

Thursday, March 11, 2004
Thursday, June 10, 2004
Thursday, September 9, 2004
Thursday, December 9, 2004

Ms. Orange seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

Mr. Courtney discussed the new Fair Housing Board that was established in the Department during the last General Assembly Session, as well as accessibility guidelines for multi-family housing. The Board discussed ideas for outreach regarding accessibility guidelines for multi-family housing. The suggestions made were to write the National Architectural Accrediting Board and suggest that they make this an integral part of the accreditation standards to increase the schools' attention to this matter as well as reaching out to interior design programs in the state.

**Discussion of
Fair Housing
Board and
Accessibility
Guidelines**

The Board members were provided with a draft of the proposed Public Participation Guidelines for their consideration. After discussion, Mr. Fauber moved to adopt the proposed Public Participation Guidelines as amended and give the authority to Mr. Courtney to change the definition of "agency" if a change is determined to be necessary by the Office of the Attorney General. Mr. Helton seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

**Adoption of
Proposed Public
Participation
Guidelines**

The Board members were provided with a comprehensive report regarding enforcement activity. The Board members discussed various reasons for the backlog with staff, as well as ways to alleviate the current backlog. After extensive discussion by the Board, Mr. Courtney stated that enhancements will be made to the report based on the Board members' discussion and an updated report will be provided with the APELSCIDLA Board agendas in the future. Mr. Allen moved to have the current Board members continue to be contacted first to determine their availability for Informal Fact-Finding Conferences; however, if a current Board member is not available, a former Board member may be contacted to determine if they would be available to preside over the Informal Fact-Finding Conference. Ms. Orange seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

**Discussion of
Comprehensive
Report of
Enforcement
Activity**

The Board members took a break from 10:33 a.m. to 10:50 a.m.

Break

Ms. O'Neal discussed the current process of having application and disciplinary files reviewed by the Sections prior to the Board making a final decision. Ms. O'Neal discussed the possibility of having these files bypass the Sections in order to improve customer service, and it would provide a cost-savings. Additionally, bypassing the Sections would provide a bigger window of opportunity every quarter to conduct Informal Fact-Finding Conferences. By consensus, the Board decided to leave the process as it is currently structured.

**Discussion of
Disciplinary and
Application Files**

The Board members were provided with the Board financial statements from June 2003 for informational purposes.

**Review of Board
Financial
Statements**

Mr. Allen provided a proposed resolution for the Board's review. The purpose of the proposed resolution is to state the position of the Board on the licensure of photogrammetrists. After discussion, Mr. McAden moved to adopt the following resolution:

Other Business

Resolution stating the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects position on the licensure of photogrammetrists.

Whereas, this board must first and foremost provide for the protection of the health, safety, and welfare of the citizens of the Commonwealth and

Whereas, Section 54.1-400 of the Code of Virginia states "The practice of land surveying includes surveying of areas for a determination or correction, a description, ...**the determination of topography, contours or location of physical improvements...**"and

Whereas land surveyors having historically provided these services as a licensed activity have conditioned the citizens to expect this to be a licensed activity.

Whereas, photogrammetrists are currently providing "the determination of topography, contours, or location of physical improvements" without being licensed.

Be it resolved, that this board believes that the use of photogrammetric tools and sciences to determine topography, contours or locate physical improvements is land surveying and that, since land surveyors have historically provided these services as a licensed activity, the protection of the health, safety, and welfare of citizens of the Commonwealth is at risk.

Whereas, Section 54.1-401 of the code of Virginia states "The following shall be exempted from the provisions of this chapter: 1. Practice of professional engineering and land surveying by a licensed architect when such practice is incidental to what may be properly considered an architectural undertaking. 2. Practice of architecture and land surveying by a licensed professional engineer when such practice is incidental to an engineering project."

Be it resolved, that this board believes professional engineers and architects can determine topography, contours or locate physical improvements when such work is incidental to an engineering or architecture project respectively regardless of the tools or sciences involved.

Whereas, this board presently promulgates and enforces regulations for licensed architects, professional engineers, and land surveyors as well as certification of interior designers and landscape architects such that the professional is required to practice only in the areas of their discipline (particular expertise) and not in all aspects of that profession and

Whereas, this board has historically had minimal violations of professionals working outside of their discipline.

Be it resolved, that this board believes that photogrammetrists should be licensed as a discipline (particular expertise) of land surveying without separate title designation, since it is consistent with the existing licensing structure and as such provides the least confusion and greatest protection for the citizens of the Commonwealth.

Mr. Stephenson seconded the motion which was approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Spell, and Stephenson. Ms. Rinner and Ms. Renmark voted in opposition to the motion. The motion passed with a majority vote.

The Board members were provided with a compact disk which contained the most recently updated New Board Member manuals.

Mr. May moved to adopt the following resolution for service for Robert A. Boynton.

**Adoption of
Resolutions**

Robert A. Boynton

WHEREAS, **Robert A. Boynton** did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 1992 to 2003;

WHEREAS, **Robert A. Boynton** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Robert A. Boynton** did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this tenth day of September 2003, that **Robert A. Boynton** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Fauber seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

Mr. Allen moved to adopt the following resolution for service for John M. Elkin, Jr., which was presented to Mr. Elkin by Mr. Davenport:

John M. Elkin, Jr.

WHEREAS, **John M. Elkin, Jr.**, did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 1999 to 2003;

WHEREAS, **John M. Elkin, Jr.**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **John M. Elkin, Jr.**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this tenth day of September 2003,

that **John M. Elkin, Jr.**, be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. McAden seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

Ms. Rinner moved to adopt the following resolution for service for William M. Davenport which was presented to Mr. W. Davenport by Mr. R. Davenport:

William M. Davenport

WHEREAS, **William M. Davenport** did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 1999 to 2003;

WHEREAS, **William M. Davenport** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **William M. Davenport** did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this tenth day of September 2003, that **William M. Davenport** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Spell seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

Ms. Orange moved to adopt the following resolution for service for Ralph B. Higgins, which was presented to Mr. Higgins by Mr. Davenport:

Ralph B. Higgins

WHEREAS, **Ralph B. Higgins** did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 1997 to 2003;

WHEREAS, **Ralph B. Higgins** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Ralph B. Higgins** did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this tenth day of September 2003, that **Ralph B. Higgins** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

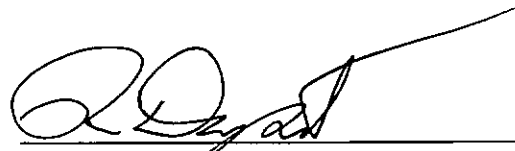
BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Spell seconded the motion which was unanimously approved by members: Allen, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, Spell, and Stephenson.

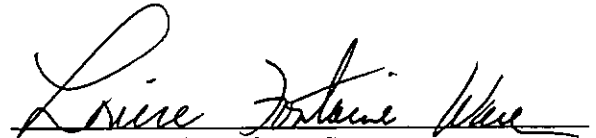
Conflict of Interest forms were completed by all members present.

Conflict of
Interest Forms

There being no further business, the meeting was adjourned at 11:54 a.m. Adjourn



Richard N. Davenport, Chair



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records